IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33863 of 2007(F)

PETITIONER:

D.JOSEPH,
JOSE VILLA, VELLAYIL, KALIYATTU PARAMBA,
VELLAYIL ROAD, KOZHIKODE.

BY ADV. SMT.T.RESMI DAMODARAN

RESPONDENTS:

---

1. UNION OF INDIA, REPRESENTED BY
SECRETARY OF DEFENSE.

2. ACCOUNTS OFFICER,
C/O. GENERAL MANAGER, TELECOM, TRIVANDRUM.

3. DISTRICT MANAGER,
CALICUT TELEGRAPH SUB DIVISION, TELECOM,
KOZHIKODE-673 001.

BY ASG. SRI.P.PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 33863/2007

Dated this the 16th day of November, 2007

JUDGMENT

The petitioner had served in the signal corps as Havildar and after his retirement he had joined in the office of the Department of Telecom/second respondent. He, thereafter, retired in the year 1986 after completing eight years of service. Petitioner opted for civil pension instead of military pension which also, he was entitled for. Apparently in the year 1989, petitioner opted for military pension also and the same was rejected by the second respondent by a letter dated 15.11.1989. Petitioner contends that though he had opted for military pension before the authorities several times, it has not been looked into.

2. May sympathy should lie within the petitioner who is aspiring for a better pension, but I cannot shut my eyes to the fact that the petitioner's claim was rejected in the year 1989. Petitioner has approached this Court in the year 2007. In my view, this Court cannot exercise its

discretion any jurisdiction to direct the respondent to consider the petitioner's claim which had already been rejected almost twenty years back. For the said reason this writ petition is dismissed.

V.GIRI
Judge

mrcs